

1 LAWRENCE G. BROWN
 Acting United States Attorney
 2 LYNN TRINKA ERNCE
 Assistant United States Attorney
 3 501 I Street, Suite 10-100
 Sacramento, California 95814
 4 Telephone: (916) 554-2720
 Facsimile: (916) 554-2900
 5
 Attorneys for Third-Party-Plaintiff
 6 United States of America

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 CARLOS ESCOTO,
 12 Plaintiff,
 13 v.
 14 UNITED STATES OF AMERICA,
 15 Defendant.

Case No. 1:07-cv-00472 OWW TAG

16
 17 UNITED STATES OF AMERICA,
 18 Third-Party Plaintiff,
 19 v.
 20 PEACHWOOD MEDICAL GROUP CLOVIS,
 INC.; DENNIS A. NAKATA, M.D.; JEFFREY
 21 E. AOKI, M.D.; DENIS J. HENTRICH, P.A.,
 22 Third-Party Defendants.

**STIPULATION TO DISMISS
 THIRD-PARTY DEFENDANT
 JEFFREY E. AOKI, M.D.
 WITH PREJUDICE**

1 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, third-party
2 plaintiff United States of America and third-party defendants Peachwood Medical Group Clovis,
3 Inc., Dennis A. Nakata, M.D., Jeffrey E. Aoki, M.D., and Denis J. Hentrich, P.A., hereby stipulate
4 and agree that third-party defendant Jeffrey E. Aoki, M.D. is dismissed from the third-party action
5 with prejudice.

6 DATED: January 7, 2009

LAWRENCE G. BROWN
Acting United States Attorney

7
8 By: /s/ Lynn Trinka Ernce
9 LYNN TRINKA ERNCE
Assistant United States Attorney

10
11 DATED: January 7, 2009

MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH, LLP

12
13 By: /s/ Lawrence Edwin Wayte
14 LAWRENCE EDWIN WAYTE
Attorneys for Third-Party Defendants

15
16 **IT IS SO ORDERED.**

17
18 DATED: January 9, 2009

/s/ OLIVER W. WANGER
OLIVER W. WANGER
UNITED STATES DISTRICT JUDGE